

ranging the Judicial Districts of the 2nd and 4th districts, but protesting against a proposed summer term of court.

By Senator McNealus:

Petition numerously signed by citizens of Kemp expressing approval of his action in introducing a measure preventing the emptying of sewerage into the streams of Texas.

By Senator Ratliff:

Petitions numerously signed by citizens of Sulphur Springs and at Mt. Pleasant, Texas, asking support of the bill authorizing the consolidation of the St. Louis Southwestern Railway Company of Texas and the Eastern Texas Railway Company and the Stephenville, North and South Texas Railway Company.

By Senator Murray:

Petition numerously signed by citizens of his district favoring liberal appropriations for the Department of Animal Husbandry of the A. and M. College.

By Senators Murray and Lattimore.

Petitions numerously signed by citizens of their respective districts urging support of the following Farmers Union measures:

House bill No. 99, and Senate bill No. 23.

House bill No. 32, and Senate bill No. 46.

House bill No. 124, and Senate bill No. 82.

By Senator Johnson:

Petitions numerously signed by citizens of his district protesting against the enactment of a law requiring railway companies to pay employes twice monthly.

#### TWENTY-EIGHTH DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, Feb. 21, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present, the following Senators answering to their names:

Adams.  
Astin.  
Bryan.

Carter.  
Cofer.  
Collins.

Greer.  
Hudspeth.  
Hume.  
Johnson.  
Lattimore.  
Mayfield.  
McNealus.  
Meachum.  
Murray.  
Paulus.  
Peeler.  
Perkins.

Ratliff.  
Real.  
Sturgeon.  
Terrell, McLennan  
Terrell, Wise.  
Townsend.  
Vaughan.  
Ward.  
Warren.  
Watson.  
Weinert.

Absent.

Kauffman.

Willacy

Prayer by Rev. Dr. Bradfield of Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

#### REGULAR ORDER.

The Chair called the regular order of business. (See Appendix for committee reports and petitions and memorials.)

#### SIMPLE RESOLUTION.

By Senator Meachum, by unanimous consent:

Whereas, former Lieutenant Governor George D. Neal of Grimes county, who for four years was a beloved presiding officer of this body, is now present at the door of the Senate. Therefore, be it

Resolved, That we are much pleased to have our old friend, Gov. Neal, visit the Senate and extending him the cordial greeting of the body, we invite him to address the Senate forthwith, and that a committee of five be appointed by the President to escort him to the President's stand.

Meachum, Watson, Hudspeth, Terrell of Wise, Paulus.

The resolution was read and adopted.

The Chair appointed the above signers of the resolution as a committee to escort Ex-Lieutenant Governor Neal to the president's chair, who, after being introduced, thanked the Senate for the honor conferred upon him.

#### SIMPLE RESOLUTION.

By Senator Watson (as a privilege matter).

Be it resolved by the Senate that Senate bills Nos. 287 and 288 be not printed and that the committee report be changed to so read.

WATSON,  
LATTIMORE,  
STURGEON.

Senator Cofer made the point of order that the rule relating to the printing of bills should be rescinded as to these bills. The Chair sustained the point of order. Senator Cofer offered the following substitute:

Resolved, That Senate Resolution requiring bills to be printed be rescinded so far as the same affects Senate bills Nos. 287 and 288, providing for the codification of the Civil and Criminal Statutes, and that it shall not be necessary to print said bills, and same may be considered without printing.

Senator Hume made the point of order that the substitute was not a substitute, but contained the same subject matter.

The Chair sustained the point of order, holding that the original resolution had the effect of rescinding the rule as to the printing of these two bills.

The resolution was then adopted.

#### BILLS AND RESOLUTIONS.

By Senators Lattimore and Cofer:

Senate bill No. 290, A bill to be entitled, "An Act to regulate pool halls and billiard halls and places where pool tables and billiard tables are kept and run for profit, and prescribing penalties and creating an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Johnson

Senate bill No. 291, A bill to be entitled, "An Act to amend Section 4-A of Chapter 100 of the general laws of the State of Texas, passed at the Regular Session of the Thirty-first Legislature, and being an Act defining what shall be a full crew upon passenger trains run by railroad companies or receivers of railroad companies doing business in this State; what shall be a full crew on freight, gravel or construction trains run by said railroad companies or receivers; providing for certain cases to which the Act shall not apply; rendering it unlawful for any such railroad company or receiver

to run any train or light engine subject to this Act without in each instance having the full crew required; imposing a penalty for each violation by any railroad company or receiver of any of the provisions of this Act; prescribing the venue of suits to recover penalties for violation of this Act, and the officers by whom the suits shall be brought, and exempting all railroads less than twenty miles in length, and declaring and emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Johnson:

Senate bill No. 292, A bill to be entitled "An Act to amend Section 4-A of Chapter 46 of the general laws of the State of Texas, passed at the Regular Session of the Thirty-first Legislature, being an Act to provide adequate punishment for any person who shall engage or act in the capacity of locomotive engineer or train conductor upon any railroad in the State of Texas without having first served three (3) years as a locomotive fireman or engineer, or if engaged as a conductor on any railroad train in this State, he shall be punished as herein provided if he engages to so act without first having served two (2) years as a brakeman or conductor of a freight train; to punish any person who shall knowingly engage, promote, require, persuade, prevail upon or cause any person to do any act in violation of this Act; but exempting lines operating of less than twenty-five miles in length from the operation of this Act."

Read first time and referred to Committee on Internal Improvements.

Morning call concluded.

(By unanimous consent after the morning call was concluded.)

By Senator Lattimore:

Senate bill No. 293, A bill to be entitled "An Act to banish 'Menus' and to strike down 'Consommés' and bury Pomme De Terres and Jiblets a La Louisianne and Hors De Huovers and Petit Pois and Maitre De Huovers and Maccaroni au Gratin, and to protect the lives, liberties, happiness and digestive organs of the transient traveler and peripatetic law makers by requiring hotels and restaurants to publish bills of fare in plain American language, and creating an emergency."

Read first time and referred to Committee on Public Health.

By Senator Warren.

Senate bill No. 294, A bill to be entitled "An Act to amend Chapter 4 of Title 45 of the Revised Civil Statutes of the State of Texas, as adopted at the Regular Session of the Twenty-fourth Legislature, by amending Article 2475 (2411) so that stationery, etc., shall be furnished to county tax collectors and to county tax assessors, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

#### SENATE BILL NO. 139.

The Chair laid before the Senate as pending business when the Senate adjourned last night. The bill is as follows:

Senate bill No. 139, A bill to be entitled "An Act providing for the levy and collection of an occupation tax from persons, firms, corporations of persons running or conducting pool or billiard tables; also authorizing each county and incorporated city in which any such pool or billiard table is run or conducted to levy an occupation tax, and declaring an emergency."

The question on the bill was the point of order by Senator Hume on the bill that it was not a proper bill to originate in the Senate—being a revenue raising measure.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives.

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

Adopted the report of the Free Conference Committee on Senate bill No. 36.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### RECESS.

On motion of Senator Terrell of McLennan, the Senate, at 12:45 o'clock p. m., recessed until 3 o'clock p. m. today.

#### AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

#### SENATE BILL NO. 279.

On motion of Senator Warren, the pending order of business (Senate bill No. 139) was suspended, and the Senate took up, out of its order Senate bill No. 279, by unanimous consent.

The Chair laid before the Senate on the second reading,

Senate bill No. 279, A bill to be entitled "An Act to make an appropriation of \$60,000 for the purpose of erecting, constructing, equipping and furnishing a boys' dormitory at the State Orphans' Home at Corsicana, and declaring an emergency."

The committee report, which was favorable with amendments and that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Warren the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Rathiff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan
Greer.	Terrell, Wise.
Johnson.	Vaughan.
Lattimore.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Present—Not Voting.

Hudspeth.	Townsend.
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Absent.

Hume.	Mayfield.
Kauffman.	Willacy.

The bill was read third time and passed by the following vote:

Yeas—25.

Adams.	Greer.
Astin.	Johnson.
Bryan.	Lattimore.
Carter.	McNealus.
Cofer.	Meachum.
Collins.	Murray.

Paulus.	Terrell, Wise.
Peeler.	Vaughan.
Perkins.	Ward.
Ratliff.	Warren.
Real.	Watson.
Sturgeon.	Weinert.
Terrell, McLennan	

Present—Not Voting.

Townsend.

Absent.

Hudspeth.	Mayfield.
Hume.	Willacy.
Kauffman.	

Senator Warren moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 249.

On motion of Senator Paulus, the pending order of business (Senate bill No. 139) was suspended, and the Senate took up, out of its order Senate bill No. 249, by the following vote:

Yeas—21.

Adams.	Perkins.
Astin.	Ratliff.
Bryan.	Real.
Cofer.	Sturgeon.
Greer.	Terrell, McLennan
Johnson.	Terrell, Wise.
McNealus.	Ward.
Meachum.	Warren.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Nays—2.

Lattimore.	Townsend.
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Present—Not Voting.

Vaughan.

Absent.

Carter.	Kauffman.
C Collins.	Mayfield.
Hudspeth.	Willacy.
Hume.	

The Chair laid before the Senate on second reading,

Senate bill No. 249, A bill to be entitled "An Act conferring upon the

36—S.

Board of Prison Commissioners authority to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect, and declaring an emergency."

Senator Paulus offered the following amendment, which was read and adopted:

Amend the bill, page 1, line 13, by inserting after the word "regulation" the following: "Subject to the approval of the Governor."

WEINERT,  
PAULUS.

Bill read second time and ordered engrossed.

On motion of Senator Weinert the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
C Collins.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
McNealus.	Townsend.
Meachum.	Ward.
Murray.	Warren.
Paulus.	Watson.
Peeler.	Weinert.

Present—Not Voting.

Greer.	Lattimore.
Johnson.	Vaughan.

Absent.

Adams.	Mayfield.
Hume.	Willacy.
Kauffman.	

The bill was read third time and passed by the following vote:

Yeas—22.

Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Ratliff.
C Collins.	Real.
Hudspeth.	Sturgeon.
Lattimore.	Terrell, McLennan
McNealus.	Terrell, Wise.
Meachum.	Townsend.

Ward.  
Warren.

Watson.  
Weinert.

Nays—1.

Hume.

Present—Not Voting.

Greer.

Johnson.

Absent.

Adams.  
Kauffman.  
Mayfield.

Perkins.  
Vaughan.  
Willacy.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 139.

Action recurred on Senate bill No. 139, the question being on the point of order by Senator Hume to the amendment by Senator McNealus.

#### SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of  
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 266, A bill to be entitled "An Act to create a special road system for Ellis county, Texas, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

House bill No. 357, A bill to be entitled "An Act to incorporate the city of Laredo, Webb county, Texas, and to grant it a charter; to provide for its form of government; to define its powers and prescribe its duties and liabilities; to repeal all Acts in conflict herewith, and to declare an emergency."

#### ADJOURNMENT.

Whereas, tomorrow, February 22, is the anniversary day of the birth of the father of our country, George Washington; therefore, be it

Resolved, That we now adjourn until Thursday morning at 10 o'clock, in honor of said day.

McNealus, Murray, Weinert, Hume, Watson, Hudspeth, Peeler, Terrell of McLennan, Astin, Adams, Perkins, Meachum, Real, Paulus.

Senator Cofer moved, as a substitute for the above motion, that the Senate adjourn until tomorrow morning at 10 o'clock.

Action recurred on the longest time first and the motion to adjourn until Thursday morning was adopted by the following vote:

Yeas—12.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Meachum.	Terrell, McLennan
Murray.	Watson.

Nays—11.

Bryan.	Terrell, Wise.
Cofer.	Townsend.
Collins.	Vaughan.
Greer.	Ward.
Johnson.	Warren.
Lattimore.	

Present—Not Voting.

McNealus.

Absent.

Carter.	Willacy.
Mayfield.	

#### PAIRED.

Senator Sturgeon (present), who would vote "nay," with Senator Kauffman (absent), who would vote "yea."

Senator Weinert, present, who would vote "yea," with Senator Rattiff, absent, who would vote "nay."

The Senate accordingly adjourned until Thursday morning at 10 o'clock.

## REASON FOR VOTING.

Believing that we could best honor the Father of His Country by working on his birthday, I vote "nay" on the proposition to adjourn over February 22.

LATTIMORE.

## APPENDIX.

## COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 261, A bill to be entitled "An Act to grant permission to Philip H. Fall, Charles Magill and the heirs of E. B. Nichols, deceased, to bring suit in the District Court of Travis county, Texas, to ascertain, adjudicate, fix and establish their claims against the State of Texas, as owners and holders of certain claims and bonds therein mentioned."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WEINERT, Acting Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

Senate bill No. 237, A bill to be entitled "An Act to amend Section 6 of Chapter 164, General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, and approved May 1, 1905, as amended by Senate bill No. 61, passed by the Regular Session of the Thirty-second Legislature of the State of Texas, and approved February 2, 1911, relating to a system of State, county and city depositories for State, county and city funds, and defining the duties of the State Treasurer as to the acceptance of county, municipal and independent school district bonds as collateral security for deposits made with such depositories, repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consid-

eration, and beg to report it back to the Senate with the recommendation that it do pass.

WEINERT, Acting Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 230, A bill to be entitled "An Act to authorize the sale of a portion of Harbor Island and other islands in Red Fish Bay, Corpus Christi Bay, and Aransas Bay, and certain lands under the shallow waters of Red Fish Bay; to authorize the building of railroads, terminal railroads, or interurban railroads from any point on the mainland to Aransas Harbor, and to provide for the purchase by any such railroad of certain lands on Harbor Island; to define the rights of channel and dock companies, which have heretofore or may hereafter dredge channels from the mainland to Aransas Harbor; to authorize the dredging of slips, the erection of docks, piers, dry docks, ship yards, sheds, railroad tracks, approaches, terminals, sidings, depots, warehouses, and all necessary appurtenances thereto, and to provide for the disposition of the funds arising from such sales, and declaring an emergency,"

Beg leave to report that we have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the following substitute pass in lieu thereof:

MURRAY, Chairman.

Senate Committee Substitute Bill.

Strike out all after the enacting clause, and insert the following:

Section 1. That the Commissioner of the General Land Office is hereby authorized and directed to sell portions of Harbor Island and other islands belonging to the State of Texas located in Corpus Christi Bay, Aransas Bay, and Red Fish Bay, and certain lands and flats covered by the waters of Red Fish Bay, Corpus Christi Bay and Aransas Bay, on terms and conditions and with the limitations hereinafter provided.

Sec. 2. That portion of Harbor Island fronting south on Turtle Cove

Channel for a distance of three miles from the center of the channel of the Aransas Pass Channel and Dock Company, thence from said center of said channel in a northerly direction along the eastern shore line of Harbor Island for a distance of three and one-half miles, shall only be sold for railway, terminal railway, or suburban railway purposes, or for channel and dock purposes, including wharves and slips. All references in this Act to Aransas Harbor are intended to include all of the frontage above described on said Harbor Island, being three miles frontage in Turtle Cove Channel in a southerly direction from the center of the channel of the Aransas Pass Channel and Dock Company, and three and one-half miles in a northerly direction, making six and one-half miles of frontage, which shall be referred to as Aransas Harbor.

Sec. 3. Any railroad company, terminal railroad company, suburban railroad company, or interurban railroad company which is now organized or may hereafter be organized under the laws of the State of Texas, shall be and is hereby permitted to build its said line of road from any point on the mainland to Aransas Harbor, and to buy from the State of Texas, at \$2.00 per acre, a right of way, not to exceed two hundred feet in width, for its entire length through any of the shallow bays and over any of the islands in said bays, including Harbor Island, and including the land reserved from sale under the Act of March 26, 1897, as a reservation for a quarantine station, but no such railroad company, terminal railroad company, or suburban railroad company, or interurban railroad company shall ever be permitted to build its main line nearer the shore line or water line of said harbor than one hundred feet, except at the point where it may enter upon said Harbor Island, and up to the point where it may enter upon the harbor, as above defined, or at the point where it turns in to connect with terminal tracks, side tracks, docks, wharves, ship yards, coal chutes and appurtenances thereto, it being intended to permit any such company to build its tracks in to the harbor so as to conveniently load and unload freights from any wharves or other conveniences that may be constructed thereon. In addition to its right of way, any such railroads, terminal railroads, or inter-

urban railroads, or suburban railroad company may purchase from the State of Texas, at \$2.00 per acre, a frontage on said harbor, not to exceed two thousand feet, and running back from said harbor not exceeding two thousand feet. Any such railroad company, terminal railroad company, suburban railroad company, or interurban railroad company shall have the right to erect and maintain upon the land so purchased upon said Harbor Island any tracks, side tracks, terminals, switch tracks, wharves, piers, slips, and any and all works pertinent thereto, useful or necessary in the conduct of its said business.

Sec. 4. Any channel and dock company heretofore organized, or which may hereafter be organized under the laws of the State of Texas, which has heretofore dredged its channel, or which may hereafter dredge its channel from the mainland through and across Red Fish Bay, Corpus Christi Bay or Aransas Bay, in a direct line from the mainland to Aransas Harbor, which channel shall have a depth of not less than eight feet and not less than seventy-five feet at its bottom width, shall have the right to purchase from the State of Texas, at \$2.00 per acre, a right of way of seven hundred feet on each side of its said channel for the entire length of said channel, extending from the harbor frontage in a direction to and from the mainland, and shall in addition have the right to purchase from the State at the same price, not exceeding five hundred feet frontage on said harbor on each side of its said right of way, and running back from said harbor a distance not to exceed four thousand feet, provided said frontage shall not extend beyond the northern boundaries of Turtle Cove channel as now established by the United States government engineers where said channel intersects the main land. Said channel and dock company shall also have the right to purchase at the same price a tract of land extending from the main shore line adjoining its right of way, not exceeding one thousand feet in width, and extending towards said harbor not further than Morris & Cummins' cut or channel, and provided always, that it shall not include any lands under any of said shallow bays having an average depth of more than three feet of water at mean low tide, which said thousand feet may be selected on either side of its said

channel, or may be selected in two tracts of any width it may desire to be located on each side of its said channel, provided, however, the said two tracts shall not exceed one thousand feet in width. Any channel and dock company or any municipality such as is referred to in Section 5 of this Act, purchasing lands under the provisions of this Act, shall have the right to erect thereon any docks, wharves, warehouses, elevators, coal chutes, terminal tracks, drydocks, slips or ship yards, and all appurtenances thereto, useful or necessary in the development of its property and the proper conduct of its business, or in the development of said deep water port, or in the furnishing of facilities for the use of said port or its channel, terminal tracks, docks, wharves, drydocks, slips or ship yards, for ships, boats, vessels, wharves or other instruments of commerce, and shall have the right to sell or lease to any railroad, terminal railroad, suburban railroad or interurban railroad company a right of way and terminal grounds through or across any of said property.

Sec. 5. Any municipality which is now or may hereafter be connected with Aransas Harbor by a navigable channel dredged by the United States government, and which has the right under its charter to construct, operate and maintain wharves and docks, shall have the right to purchase from the State of Texas at two (\$2.00) dollars per acre a frontage on said Aransas Harbor as defined in Section 2 of this Act, not to exceed two thousand feet, and running back from said frontage not to exceed four thousand feet, and provided same is not otherwise appropriated under the provisions of this Act, immediately contiguous to and adjoining the junction of said channel with said harbor; provided further, that nothing herein shall be construed to prevent such municipalities from purchasing any other frontage not to exceed two thousand feet and extending back not to exceed four thousand feet, in the event the frontage immediately contiguous to and adjoining the junction of said Turtle Cove Channel with said Aransas Harbor has been theretofore appropriated.

Sec. 6. Any person, firm, municipality or corporation desiring to purchase any lands on Harbor Island for any of the purposes mentioned in this Act, or any railroad company, termi-

nal railroad company, suburban railroad company, or channel and dock company, or any municipality as referred to in Section 5 of this Act, desiring to purchase a right of way through, over or across said shallow bays or any of the islands in said bays, or through, over or across Harbor Island, under the provisions of this Act, shall file an application with the Commissioner of the General Land Office, which application shall particularly describe by field notes the land sought to be purchased on Harbor Island, and if a right of way also is desired, an accurate description of that, and if a channel and dock company, an accurate description of any lands that it may desire to purchase fronting on the main land as provided herein. Said application shall also contain a brief description of the improvements which said person, firm, municipality or corporation has made or desires to make upon the land sought to be purchased, together with an estimate of the costs of such improvements. It shall further state that said application is made in good faith and that the person, firm, municipality or corporation applying therefor intends to do the work and make the improvements described within a period of time stated therein; it shall also state when or about when, such person, firm, municipality or corporation expects to begin work in making such improvements. At the time of filing such application such applicant shall pay or cause to be paid to the Commissioner of the General Land Office the sum of \$2.00 per acre in cash for all the land included in such application. The Commissioner of the General Land Office shall make a certified copy of such application, retaining the original in his office, which certified copy shall be presented to the Railroad Commission of Texas for its examination, the said Railroad Commission shall examine such application particularly as to the improvements made or to be made, and if said Railroad Commission upon such investigation as it desires to make, is satisfied that said application is made in good faith and that the person, firm, municipality or corporation making such application has made the same in good faith, and is of the opinion that said improvements have been made or will be made as stated in such application, and is further of the opinion that



such improvements are of a substantial nature and suitable for the purposes for which application is made, to purchase, said Commission shall fix a time within which work shall begin on such improvements, if improvements are to be made, which shall be not more than six months, from the date said application is granted, and shall also fix the time within which same shall be completed, which shall be not less than two years from said date, but for good cause shown, said Commission may extend the time for completion of such work, and provided further; to guard against a monopoly of said harbor, authority is hereby given the Railroad Commission of Texas, and it is hereby made the duty of said Commission, when any application is made under this act to purchase any land on Harbor Island or other islands, or any land in the waters of Red Fish Bay or the other bays mentioned in this Act, to satisfy itself that the party so applying to purchase, will not combine with any other person, firm or corporation so as to establish a monopoly over said harbor, or any of its improvements authorized under this Act; and after investigation, should said Railroad Commission believe a monopoly will be established if such application is approved and such sale made, then it shall be the duty of said Commission to refuse to approve said application, in which case, the Land Commissioner shall refuse to sell said property so applied for and shall so notify the applicant; and should there be any dispute between the applicants as to the right of way for any railroad or channel and dock company, or as to the location of any lands to be purchased or acquired under this Act, then the said Railroad Commission shall, upon investigation, decide the question as to where the location of each of said contending parties shall be, keeping in view the object of this Act and the right of the parties, and the decision of said Commission shall be final; said Railroad Commission shall then make a written statement as above provided, which statement shall be filed with the Commissioner of the General Land Office, who shall file the same with such original application, and the said Commissioner of the General Land Office shall then make or cause to be made another certified copy of such original application, which shall

be recorded in the deed records of the county, or counties, in which such land is located. Should said Railroad Commission not approve such application, it shall certify that fact to the Commissioner of the General Land Office and the said Commissioner of the General Land Office may then receive other applications upon the same land, but if said application is approved, as herein provided, by said Railroad Commission, then the Commissioner of the General Land Office shall not receive any other or further applications to purchase the same land, unless and until forfeiture is made as herein provided.

Sec. 7. Should such person, firm, municipality or corporation applying for the purchase of any of said lands, as provided in the preceding section, fail or refuse to complete the work within the time fixed by said Railroad Commission as hereinbefore provided, said Commissioner of the General Land Office shall then declare such application forfeited, and the person, firm, municipality or corporation applying therefor shall forfeit to the State of Texas all rights acquired in and to the land or shallow bays applied for, and shall also forfeit to the State of Texas the purchase price which applicant has paid for the same, provided said Railroad Commission, for good cause may extend the time for the completion of said work.

Sec. 8. Should said applicant complete the work or improvement, as provided, and within the time allowed, a patent shall then be issued by the State of Texas to said applicant or the heirs or assigns of such applicant.

Sec. 9. All tolls and charges for the use of docks and wharves constructed under this Act shall be equal, just and uniform to all vessels, persons and corporations without discrimination as to amount charged or delay in handling the same, and all such tolls and charges shall be under the control of the Railroad Commission of Texas under the rules and regulations prescribed for the regulation of railroads, in so far as same are applicable, and any channel or railroad, or other means of transportation which may be constructed between the mainland and said main harbor, shall be and is declared to be a public highway, and all rights and charges for the transportation of freights and passengers thereon shall be subject to the control and

regulation of said Railroad Commission; such channel, railroad, or other means of transportation shall receive from each and every ship, boat or vessel, or from the wharf on which the same is discharged, all freights and passengers and transfer and deliver them to the consignee or any connecting carrier without discrimination in charge or delay in transportation and delivery, and shall in like manner receive from every person and from every connecting line or railroad all freights and passengers and transfer and deliver the same to each and every ship, boat, or vessel, or corporation, for delivery to such ship, boat or vessel on like equal terms without discrimination as to charges and delay in transportation or delivery thereof.

Sec. 10. All proceeds of sales arising under any provision of this act shall be paid over to the public free school funds of this State.

Sec. 11. The term "shore line," "water line," or "frontage," whenever the same is used in this Act with reference to the front or frontage of Harbor Island, shall be construed to mean the general course of the water line at mean low tide; provided further, any lands purchased upon said Harbor Island, fronting upon said harbor, shall be construed to include lands into said harbor a sufficient distance to obtain a depth of water necessary for the operation of boats, ships or vessels using said harbor; provided further, all purchases and sales made under the provisions of any of the sections of this Act, whether on said Harbor Island or at any point between said mainland and said harbor, shall be in subordination to and not in conflict with any of the rights or laws of the United States.

Sec. 12. Any channel and dock company, railroad company or interurban railroad company shall, before purchasing under this Act, release and quit-claim unto the State of Texas all right, title or interest in may have to any other lands on Harbor Island, except the lands acquired under this Act.

Sec. 13. It is hereby expressly provided that any person, firm, corporation or municipality, which may hereafter purchase or in anywise acquire any right, or any of the frontage on Harbor Island as defined in this Act, shall be, and are hereby, forever prohibited from consolidat-

ing with any other person, firm, corporation or municipality, holding or enjoying any of the rights or privileges provided for under this Act, and that in the event any such consolidation is made or entered into, then the said rights acquired under this Act shall be and are hereby declared forfeited and void.

Sec. 14. Whereas, there are now no laws in the State of Texas authorizing the sale of any portion of Harbor Island, and it is deemed of great importance that proper laws should be enacted authorizing the sale of a portion of said Harbor Island and regulating the building of railroads, terminal railroads, suburban railroads or interurban railroads on said Harbor Island, and to protect the interests of the State of Texas against the appropriation of lands on Harbor Island under the laws as they now exist, and to insure the development and use of said harbor under proper and restrictive laws.

Therefore, the same creates an imperative public necessity and an emergency exists, requiring that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 285, A bill to be entitled "An Act providing that the State Board of Embalming shall make annual reports to the State Health Officer and shall pay a certain portion of all fees collected by it into the State Treasury."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

House bill No. 88, A bill to be entitled "An Act to provide for the location, establishment and main-

tenance of four tent house colonies for the treatment of persons suffering from tuberculosis, and to provide for the treatment of indigent consumptives, and making an appropriation therefor, defining a citizen as used in this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 274, A bill to be entitled "An Act to amend Section 10 of Chapter 30 of the General Laws of the State of Texas, passed by the Thirty-first Legislature (1909), at its Regular Session, approved April 21, 1909, relating to the Texas State Board of Health and Vital Statistics, and to repeal Section 2 of said Chapter; providing a penalty for violation of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

House bill No. 244, A bill to be entitled "An Act prohibiting any physician, surgeon, osteopath, masseur, or any other person who practices medicine or the art of healing the sick or afflicted, with or without the use of medicine, from employing or agreeing to employ, paying or promising to pay, or rewarding or promising to reward, any person, persons, firm, association of persons, copartnership or corporation for securing, soliciting, or drumming patients or patronage; to prohibit any person, persons, firm, association of persons, copartnership or corporation from accepting or agreeing to accept any payment, fee, gift or reward, or anything of value, for securing, soliciting or drumming for patients or patronage for any physician, surgeon, osteopath, masseur or any other per-

son who practices medicine or the art of healing with or without medicine, fixing the penalty for the violation of the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room.

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Military Affairs, to whom was referred

Senate bill No. 258, A bill to be entitled, "An Act to amend Section 54, of Chapter 104, of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, entitled 'An Act to define and provide for organizing and disciplining the militia; to prescribe the duties of the Governor, the Adjutant General and all officers and enlisted men thereof; and to repeal all laws in conflict therewith,' so as to provide that the amount of real and personal property that shall be owned, transferred or otherwise handled by military companies shall not exceed in value, at the time of its acquisition, two hundred thousand dollars, and to provide that the natural enhancement in value shall not affect property properly acquired by such companies shall not affect the title or handling of such property in or by such companies, and to repeal Article 3426, Revised Civil Statutes of Texas, relating to the amount of property that may be owned by militia companies.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

COLLINS, Chairman.

Committee Room.

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Military Affairs, to whom was referred

Senate bill No. 326, a bill to be entitled "An Act for the relief of the Houston Light Guard, a militia company known as Company A, Third Infantry, Texas National Guard; validating its title to armory property in the city of Houston, Texas, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

COLLINS, Chairman.

(Majority Report.)

Committee Room.

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 135, A bill to be entitled "An Act to amend Article 725 of the Code of Criminal Procedure."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WATSON, Chairman.

(Minority Report.)

Committee Room.

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 135, a bill to be entitled "An Act to amend Article 725 of the Code of Criminal Procedure."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

JOHNSON.

(Majority Report.)

Committee Room.

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 93, a bill to be entitled "An Act to amend Article 762 of the Code of Criminal Procedure of the State of Texas, as adopted at the Regular Session of the Twenty-fourth Legislature, and prescribing that after conviction of a defendant of a lower degree of offense than that for which he was indicted, that on any second or subsequent trial, the first trial shall not be considered as an acquittal of the higher offense, and prescribing that at such trial the case shall stand

for trial de novo and as if no former trial had been had, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WATSON, Chairman.

(Minority Report.)

Committee Room.

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 93, a bill to be entitled "An Act to amend Article 762 of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, and prescribing that after conviction of a defendant of a lower degree of offense than that for which he is indicted, that on any second or subsequent trial, the first trial shall not be considered as acquittal of the higher offense, and prescribing that at such second or subsequent trial, the case shall stand for trial de novo and as if no former trial had been had, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

JOHNSON.

(Majority Report.)

Committee Room.

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred

House bill No. 39, a bill to be entitled "An Act amending Title 8, Chapter 2 of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 644a, providing when special venires may not be summoned, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATSON, Chairman.

## (Minority Report.)

## Committee Room.

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

House bill No. 39, a bill to be entitled "An Act amending Title 8, Chapter 2 of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 644a, providing when special venires may not be summoned, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WATSON.

## Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

✓ Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 288, A bill to be entitled "The Civil Statutes of the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed. (See Resolution.)

WATSON, Chairman.

## Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 287, A bill to be entitled "Revised Code of Criminal Procedure."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed. (See Resolution.)

WATSON, Chairman.

## Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 279, A bill to be entitled "An Act to make an appropriation of \$50,000 for the purpose of erecting, constructing, equipping and furnishing a boys' dormitory at

the State Orphans Home at Corsicana, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

## Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 254, A bill to be entitled "An Act to grant a charter for the city of Terrell, in Kaufman county, Texas, validating the acts of the said city as it heretofore existed, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

## PETITIONS AND MEMORIALS.

## By Senator Lattimore:

Petitions from members of the Fort Worth bar protesting against the change in the jurisdiction of the Supreme Court; from citizens of Somervell county protesting against the \$375 license fee for wagon salesmen of medicines; and from citizens of Parker county, asking favorable action on the bill amending I. &amp; G. N. bill.

## By Senator Peeler:

Petition numerously signed by citizens of Round Rock asking that House bills Nos. 390 and 371 be opposed.

## By Senator Mayfield:

Resolutions adopted by Grandbury Camp No. 1323, U. C. V., in session at Temple, Texas, favoring the submission of the constitutional amendment requiring a separate tax of not to exceed six cents on the \$100 to be levied to pay a pension of not to exceed \$12 per month to destitute or disabled veterans.

## By Senator Cofer:

Petition numerously signed by citizens of his district protesting against the proposed amendment to the Cotton Belt consolidation bill requiring a line to be constructed to Crockett, Texas, and asking that said bill be passed without amendment.

By Senator Perkins:

Petition numerously signed by citizens of Collin county asking the Legislature to authorize County Commissioners' Courts to appropriate funds to the assistance of the National Co-operative and Demonstrators' work.

By Senator Perkins:

Petition numerously signed by citizens of Plano, Collin county, urging the Legislature to pass the Cotton Belt consolidation bill without amendment, requiring any extensions by either of the lines proposed to be consolidated, the Cotton Belt Railway and the Stephenville, North and South Texas Railway Company.

#### TWENTY-NINTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, Feb. 23, 1911.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Murray.

Prayer by Rev. Dr. Bradfield of Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

#### REGULAR ORDER.

The Chair called the regular order of business. (See Appendix for committee reports and petitions and memorials.)

#### DEATH OF GENERAL CABELL.

The Chair had the following read to the Senate:

Dallas, Texas, Feb. 22, 1911.

Hon. A. B. Davidson, Lieutenant-Governor, Austin, Texas:

My father, General Cabell, died tonight at 9:30.

BEN E. CABELL.

The above was read and Senators McNealus and Warren offered the following resolution:

Resolved, That when the Senate adjourns today that it do so in honor of the memory of Gen. W. L. Cabell, who died at his home in Dallas, Texas, on Wednesday, February 22, 1911; and that the President of the Senate be and he is hereby requested to telegraph the sympathy of the Senate to the family of that illustrious Southern patriot in this hour of their bereavement.

The above resolution was read and adopted.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 17, A bill to be entitled "An Act to create a more efficient road system for Nolan county, Texas, and making county commissioners ex officio road commissioners of their respective precincts, and prescribing their powers and duties as such, and providing for the compensation of such road commissioners, and providing for the purchase of material for the construction and maintenance of roads and bridges, and providing for the compensation for such material, and prescribing certain duties for road overseers; providing a compensation of \$2 per day for overseers for each day's service per year in excess of five days; providing certain duties for county treasurers; providing that any person liable for road duty any year shall be exempt upon the payment of \$3 into the county treasury; providing for money payment in lieu of work after summons and before date of work; providing that this Act is cumulative of the general